

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

RAYMOND D. HALLQUIST AND JENNIFER C. HALLQUIST, SP 2013-LE-028 Appl. under Sect(s). 8-914 and 8-922 of the Zoning Ordinance to permit reduction of minimum yard requirements based on error in building location to permit accessory storage structure to remain 2.4 ft. from rear lot line and 3.2 ft. from side lot line and addition to remain 5.5 ft. from side lot line and reduction of minimum yard requirements to permit construction of addition 9.1 ft. from side lot line. Located at 4801 Poplar Dr., Alexandria, 22310, on approx. 14,100 sq. ft. of land zoned R-3. Lee District. Tax Map 82-1 ((6H)) 37. Mr. Hammack moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on June 12, 2013; and

WHEREAS, the Board has made the following findings of fact:

1. The applicants are the owners of the land.
2. With respect to the application under Sect. 8-922, the applicant has presented testimony indicating compliance with general standards for special permit uses as set forth in Sect. 8-006 and the additional standards for provisions for reductions of certain yard requirements as contained in Sect. 8-922 of the Zoning Ordinance.
3. The Board has determined that the application meets the six required subsections specifically set forth in the Ordinance, in particular that the proposed development is harmonious with surrounding offsite uses and structures in terms of location, height, bulk, and scale, topography, existing vegetation.
4. The shed in question has been there for a number of years.
5. It is well maintained.
6. There have been no complaints on it until the subject application came in.
7. Actually to move it to bring it into compliance really would expose it.
8. It does not change anything significantly, from the photographs.
9. With respect to the application made under Sect. 8-914, the applicant has presented testimony indicating compliance with Sect. 8-006, General Standards for Special Permit Uses, and Sect. 8-914, provisions for the approval of reductions of minimum yard requirements based on error in building location.
10. The Board has determined that the applicant has met the requirements set forth in subsections A through G of the Ordinance and specifically that the noncompliance was done in good faith or through no fault of the property owner or was the result of an error in building location.
11. The reduction will not be detrimental to the use and enjoyment of other property in the immediate vicinity.
12. More specifically, the deck is brought into compliance. The only real problem with the deck is the lattice attached to it, which is a very technical reason.

13. The proposal to construct a garage, slightly enlarging the footprint of an existing carport is a minimal intrusion.
14. Looking at the plat, the front of the garage at the street side may be only requiring a foot or less of setback in the rear. This includes the overhang, perhaps two or three feet.
15. Otherwise, the great bulk of this addition is within the existing building envelope.
16. It is reasonable and something the Board approves on a fairly routine basis.
17. With respect to the shed, it has been there for years with no complaints until now.

THAT the applicant has presented testimony indicating compliance with Sect. 8-006, General Standards for Special Permit Uses, and the additional standards for this use as contained in the Zoning Ordinance. Based on the standards for building in error, the Board has determined:

- A. That the error exceeds ten (10) percent of the measurement involved;
- B. The non-compliance was done in good faith, or through no fault of the property owner, or was the result of an error in the location of the building subsequent to the issuance of a Building Permit, if such was required;
- C. Such reduction will not impair the purpose and intent of this Ordinance;
- D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity;
- E. It will not create an unsafe condition with respect to both other property and public streets;
- F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner; and
- G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. That the granting of this special permit will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.
2. That the granting of this special permit will not create an unsafe condition with respect to both other properties and public streets and that to force compliance with setback requirements would cause unreasonable hardship upon the owner.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED**, with the following development conditions:

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved only for the location of the existing deck, shed and the proposed garage addition (approximately 342 square feet), as shown on the plat prepared by Alexandria Surveys, LLC, dated January 7, 2013, as revised through March 25, 2013, signed by Michael L. Flynn, Land Surveyor, submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (1,391 square feet existing + 2,086.5 square feet (150%) = 3,477.5 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall generally be consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation of why additional time is required.

Mr. Beard seconded the motion, which carried by a vote of 7-0.

A Copy Teste:

K.A. Knoth

Kathleen A. Knoth
Clerk to the Board of Zoning Appeals

ACKNOWLEDGEMENT

County of Fairfax
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 18th day of

June, 2013.



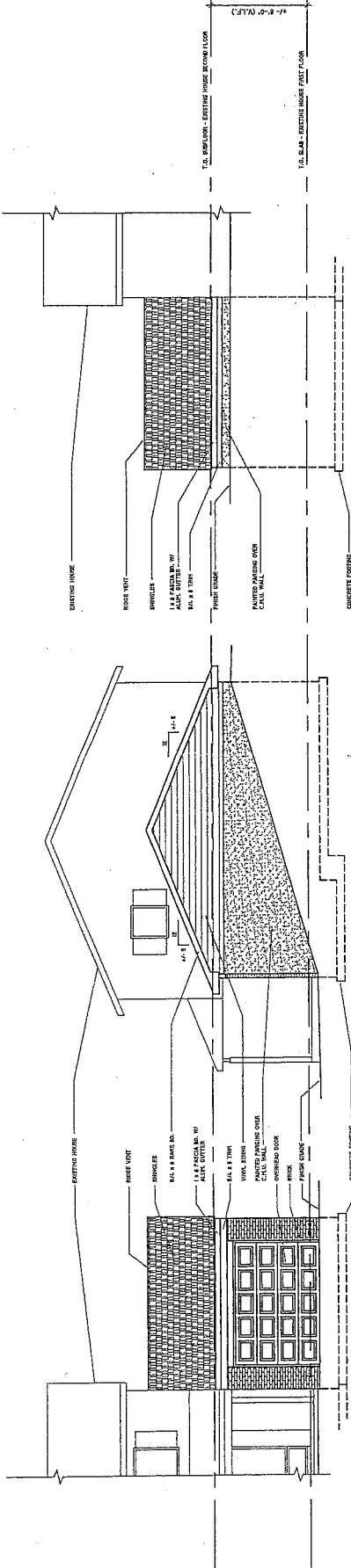
Notary Public

My commission expires: September 30, 2016



John W. Cooper
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7518586
My Commission Expires
September 30, 2016

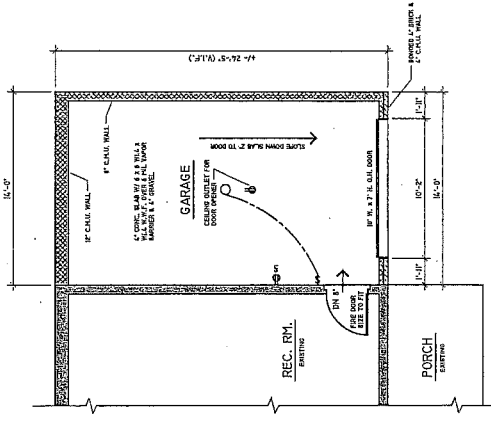
<p>ARCHITECT GARY M. ZICKARPOOSE ALBANY, NEW YORK 12208 (518) 486-1111</p>	<p>GARAGE ADDITION TO THE HALLQUIST RESIDENCE</p>	<p>FLOOR PLAN, ELEVATIONS DEMOLITION PLAN, FOUNDATION PLAN,</p>	<p>REVISIONS</p>	<p>DATE: 12-1-02 SCALE: 1/4" = 1'-0" DRAWN: GHZ CHECKED: JRM PROJECT NO.: A-1</p>
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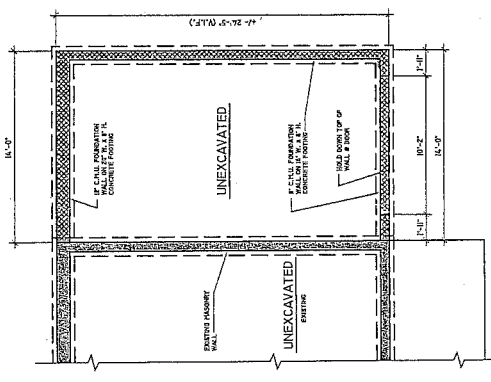
REAR ELEVATION
SCALE: 1/4" = 1'-0"

RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'-0"

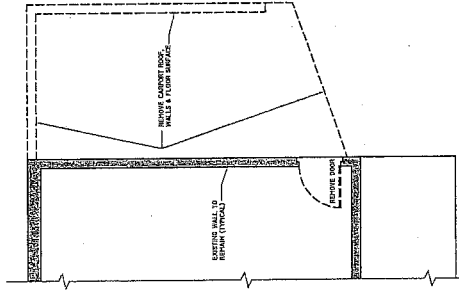
FRONT ELEVATION
SCALE: 1/4" = 1'-0"



FLOOR PLAN
SCALE: 1/4" = 1'-0"



FOUNDATION PLAN
SCALE: 1/4" = 1'-0"



DEMOLITION PLAN
SCALE: 1/4" = 1'-0"